

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

77-14835

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

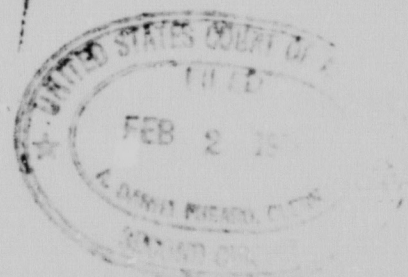
UNITED STATES V. VINCENT BROWN, a/k/a
Richard Glover, GEORGE NICHOLAS, a/k/a
Jerome Richardson,

A P P E N D I X

Alton W. Wiley, Esq. (401) 272-1000
25 South Angell St., Prov., R.I. 02906

COURT BELOW: U.S. DISTRICT COURT, SOUTHERN
DISTRICT OF NEW YORK

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mchr

Kollmann-direct

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for the original owner. At that time all valuables in the car are inventoried and vouchered, such as jewelry, clothing, money, et cetera.

Q Would you describe the parking lot where you placed this vehicle?

A It is enclosed, an enclosed parking lot. It is attached to the precinct property and it has gas tanks where the radio cars fill up on gas.

Q What type of security was there in this parking lot?

A There are police officers continuously going through this parking lot. They have a gas attendant that is assigned to the parking lot to work the gas pump.

Q What names were you given by the three prisoners that you took to the 20th Precinct?

A The driver of the vehicle was Kenneth Leroy Brown. The two passengers were James Brown and Jerome Richardson.

Q When you arrived back at the precinct house, what did you do with respect to the car?

A I stayed outside with the vehicle. Detective Smith and Detective Santoli took the prisoners to the station house. At that time I took an inventory

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Kollmann-direct

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search of the vehicle and I found a shaving kit, which was on the floor of the front of the passenger seat. I opened the shaving kit and found fifty \$20 bills with the same serial numbers.

Q Would you describe in detail your search of the car?

A The inventory search would consist of the trunk for a spare tire, jack, et cetera. The interior of the vehicle would consist of a glove compartment, under seats, sun visor, et cetera.

Q What was your reason for inventorying the car?

A To voucher valuables that were -- so they would not be taken from the vehicle when it was removed to the 215th Street pound, which is the property clerk auto yard.

Q Was the inventorying of the car done in accordance with the police regulations that you described?

A Yes.

MR. WILEY: I realize there is no jury here, but I object to the form.

THE COURT: What was the basis for your objection?

MR. WILEY: Form, your Honor.

THE COURT: I think they are not improper.

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Kollmann-cross

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Q After the arrest of these men these men were taken to the 20th Precinct; is that correct?

A That is correct.

Q And the vehicle was taken to the police parking lot?

A Yes.

Q And in the police parking lot I believe you said that there were police officers in and out of that parking lot all the time?

A Yes.

Q Is that parking lot fenced?

A There is a fence in front of the parking lot facing the street.

Q Is there a gate to the parking lot?

A Yes.

Q And is that gate able to be locked?

A I believe so.

Q And I believe you said there was a gas attendant who was usually in the parking lot; is that correct?

A Yes, that is correct.

Q In other words, Officer, there is a certain amount of security in that lot at all times; is that correct?

A That is correct.

2 Q Did you at any time obtain a search warrant
3 before taking the items that you testified you took from
4 the vehicle?

5 A No.

6 Q Did you at any time apply for a search warrant
7 before taking any items from that vehicle?

8 A No.

9 Q Did you describe this -- I believe you said
10 it was a toilet kit?

11 A A shaving kit, yes.

12 Q Can you describe that for us?

13 A No, I cannot.

14 Q Do you remember what color it was?

15 A No.

16 Q When I say describe it, was it closed when you
17 saw it?

18 A Yes, it was.

19 Q Do you recall if it had a zipper on it?

20 A Yes, it had a zipper.

21 Q Was the zipper closed; is that correct?

22 A That is correct.

23 Q And you unzipped it to see what was inside?

24 A That is correct.

25 Q Did you at any time apply for a search warrant

2 prior to your opening that shaving kit?

3 A No.

4 Q Did you have a search warrant at the time
5 you opened that shaving kit?

6 A No.

7 Q Did you make any inquiries of anyone as to
8 who owned this particular vehicle?

9 A Yes.

10 Q Who did you make inquiry of?

11 A The operator of the vehicle, Mr. Kenneth
12 Brown.

13 Q Did he respond to that?

14 A Yes, he did.

15 Q What did he tell you?

16 A He told me it was his sister's vehicle who
17 was in Rhode Island.

18 Q Did he ask you to check with his sister?

19 A I don't recall.

20 Q Will you look at your notes?

21 A No.

22 Q There was no request that you check with his
23 sister or call his sister or anything like that?

24 A No, he made no request.

25 Q At the time you made this NCIC check and

Q Subsequent to these discussions with the defendants, did there come a time that you filed a notice of readiness for trial in this case?

A Yes, there did.

Q Did there come a time that you subsequently had meetings with the defendant Brown?

A I remember several meetings with the defendant Brown.

Q Do you remember the substance of any of those meetings?

A I was in contact -- of course I am proceeding on the assumption that Brown is the one that was from up North, Rhode Island --

THE COURT: That Brown was what?

THE WITNESS: A native of Rhode Island or living in Rhode Island at the time.

A -- and that I think that I received phone calls from him, and a couple of occasions, perhaps, phone calls from his wife, and the nature of these phone calls was really in the way of giving me reasons why he could not come to court.

But here, again, outside of the fact that I do remember that one occasion Brown called me and told me that he had been threatened or received threats, or

1 hba

Figeroa-direct

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2 that his life was in jeopardy, I have no distinct recol-
3 lection of what form the discussions took on the phone.

4 Q Mr. Figueroa, showing you what has been
5 marked as Government's Exhibit 8 for identification, do
6 you recognize that?

7 A Yes. Government's Exhibit 8 is a note to
8 the file which I made in my handwriting. It has my
9 initials down at the bottom. It depicts the result
10 of progress of the trial up to this time, I suppose.

11 MR. HANDAL: Your Honor, the government
12 will offer this in evidence.

13 Are there any objections?

14 MR. STIM: No objection.

15 MR. WILEY: No objection.

16 (Government's Exhibit 8 was received in
17 evidence.)

xx 18 MR. HANDAL: Your Honor, may we have Mr.
19 Figueroa read this?

20 THE COURT: Yes.

21 THE WITNESS: "Defendant Brown was to have
22 discussed possibility" --

23 THE COURT: You mean to read it out loud?

24 MR. HANDAL: Yes, your Honor.

25 THE COURT: All right.

1 THE WITNESS: "Defendant Brown was to have
2 discussed possibility of a plea of guilty with John
3 Curley, to whom full discovery has been given. At
4 my last meeting with Brown on 6/17 I advised him to see
5 his attorney and come to definite decision on whether he
6 was to PG," which means plead guilty. "Formerly
7 Brown had cooperated fully and effectively with the
8 Secret Service re counterfeit money."
9

10 It has my initials down at the bottom, NF.

11 Q And that date, 6/17, do you know what year that
12 was?

13 A I really can't say.

14 Q Did you ever, in any of your discussions with
15 the defendant Brown, tell him that the prosecution would
16 be dropped or that he would not be indicted?

17 A No, sir.

18 Q Did you speak with any lawyers for the de-
19 fendants?

20 A I believe I spoke to Curley, of course, John
21 Curley, and I think I got a couple of calls from Mr.
22 Wiley and that's about it.

23 Q Did you ever tell any of those lawyers that
24 charges would be dropped against their clients or that
25 their clients would not be prosecuted?

1 THE COURT: Well, it is a matter of
2
3 record, of course. It was 1973. Does that help
4 you any to place the year in which you wrote that memo?

5 THE WITNESS: If the indictment was 1973,
6 your Honor, then this memo had in all probability to
7 have been made in 1973, June 17th thereof.

8 THE COURT: All right, counsel.

9 CROSS EXAMINATION

10 BY MR. WILEY:

11 Q What years were you an assistant United States
12 attorney, Mr. Figueroa?

13 A 1972, August, '73, '74, up to about March, '75.

14 Q Calling your attention once again to the last
15 exhibit, which is Exhibit 8, you have indicated I believe
16 that the 6/17 date was for 1973.

17 A In all probability, yes.

18 Q In order to refresh your recollection, the
19 cooperation that we are talking about that took place
20 between Mr. Brown and Mr. Nicholas, that took some time
21 to develop, did it not?

22 A I don't know. I didn't have anything to
23 do with that.

24 Q Let me further refresh your recollection.
25 Do you recall this case having been placed on the list

I have a reference to August 8th -- withdrawn; August 12, 1974. A lengthy conversation with Mr. Brown and his wife and Assistant United States Attorney Nicholas Figueroa.

THE COURT: What was the date of that?

THE WITNESS: August 12th.

THE COURT: '73?

THE WITNESS: '74.

A I have a memorandum that I am aware of from reviewing this file within the last few days that I made on June 20, 1974. It indicates that a few days earlier Mr. Brown had come to our office unexpectedly and that I was engaged in a trial at that time. I believe that may have been the first time that I saw Mr. Brown in person. That would be June of 1974.

At that time our office -- our main office -- was located at 15 Park Row, and we had two rooms in the courthouse, basically Rooms 106 and 107, on the main floor, which is now occupied by the security people in the courthouse, and there was a room used by attorneys on trial or attorneys taking cases from the magistrate as assignments. I believe that Mr. Brown came to that room, Room 106, in this courthouse, and I met with him briefly. Probably it was during the luncheon re-

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Curley-direct

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cess or something like that.

Q Do you remember what happened at that meeting?

A We attempted to discuss the facts of the case and the reasons why we had been unable to get together from the time that he had been assigned counsel until about that time.

I would need to look at this memorandum in my file, which is dated June 20, 1974, to refresh my recollection.

Q Would you do that?

A No objection?

THE COURT: Mr. Wiley?

MR. WILEY: I have no objection.

THE COURT: All right.

A Well, I can read from it. But this is an internal memorandum which is not reviewed for full accuracy. It is just something put in a file. Unfortunately, instances like this that might occur, although at a much later date.

My memorandum reads:

"On June 13th or 14th, or possibly the 17th, the defendant Vincent Brown came into Room 106 without appointment. I was on trial at that time and the

1 defendant said he was aware of that, but he just wanted
2 to speak to me, and then proceeded to appointment with
3 Nick Figueroa. I called Figueroa and was advised that
4 he was aware the defendant was in town and wanted to see
5 him. He said that he would see the defendant but that
6 he would want a witness present, probably somebody from
7 his office.
8

9 "I advised him the defendant indicated that
10 the indictment was a mistake, and Mr. Figueroa again
11 repeated that there was no mistake and that the de-
12 fendant had been told he would be indicted.

13 "The defendant telephoned and agreed to meet
14 me at our 15 Park Row office on Wednesday, June 19th, at
15 11 o'clock. He did not appear. At about 2:15 p.m.,
16 a woman, apparently his wife, called and said that he did
17 not appear because he had apparently been at a hospital
18 for a check-up and had not returned. I advised her
19 to have him come in 11 o'clock on Thursday, June 20th,
20 and again he did not appear."

21 So I have this recollection of his coming to
22 the courthouse to see me at a time that I was not
23 available for a full conference, and his telling me that --
24 or making a complaint concerning the fact that he had been
25 indicted and the fact that he wanted to bring this matter

1 prosecuted if everything worked out?

2 A He didn't tell me I wouldn't be prosecuted,
3 no. He said if everything works out, wait. Not at that
4 time, no. He said, "Let's see what happens, if everything
5 works out."
6

7 Later we went into that.

8 Q What he said was that we can't make you any
9 promises at this time and see what happens as we go along?

10 A No. From his wording to me in layman's term,
11 "If you help Mr. Nicholas and help the Secret Service and come
12 up with what they want, deliver what they want, everything
13 will be okay. I will take care of it personally. I am
14 giving you my word."

15 That's what he said to me personally, Mr. Figueroa.

16 Q Didn't you testify the other day that you brought
17 this up at two separate points, first with Mr. Gallo and then
18 with Mr. Figueroa?

19 A Yes. It was brought up with Mr. Gallo first.
20 That was when Mr. Nicholas came in with the other Secret
21 Service before I would not open and say anything. At that
22 time Mr. Joe Gallo still thought of me as Kenneth Brown.

23 Q You didn't make any statement to Mr. Gallo?

24 A I didn't say anything. I knew nothing about
25 nothing.

1 nsjl 12

Brown-cross

2 Q This was on the second day after you were brought
3 to the Secret Service?

4 A The second day after they brought me from the
5 Court.

6 Q You heard Mr. Gallo testify here on that day
7 when he spoke to you alone you did admit possess ng the
8 counterfeit?

9 A I never admitted possession of the counterfeit.
10 I don't believe Mr. Gallo did say that. I told him I would
11 assist him in helping him to do what I was told after George
12 said we had a deal and after Mr. Gallo sanctioned that deal
13 to the best of his ability until we could get to see the
14 prosecutor.

15 Q The first time you met with Mr. Gallo on May
16 2nd when you met with him alone, you didn't give him any
17 information about the counterfeit?

18 A No, sir, I didn't. I didn't give him anything
19 at all.

20 Q You did hear Mr. Gallo testify that you did give
21 him information at that point?

22 A I heard him testify that I gave him information.
23 He didn't say at the point when him and I were talking. I
24 assumed that was when the four of us were together. If he
25 said when him and I were talking, he is incorrect.

nsjl 13

Brown-cross

Q It wasn't until after that he put you and Mr. Nicholas together and started talking to you?

A Until after Mr. Nicholas came in and told me what it was, then and only then, when we exchanged the correct names.

Q Isn't the reason then that you confessed to Mr. Gallo was because you realized Mr. Nicholas had given you up and not because of any deal?

MR. NICHOLAS: I never gave him up.

THE COURT: Mr. Stim, what did you say?

MR. STIM: I didn't make any statement.

A I didn't understand you.

Q Isn't the reason you confessed to Gallo was not because of a promise but because you realized Mr. Nicholas gave you up?

A I never confessed to anything. I never confessed to Mr. Gallo until after a deal and then I wasn't along with the deal and did assist and did make the initial bust. Now, to be honest with you, I am sorry. If I knew I was going to be in this predicament, I never would have went for it.

Q You testified the other day, if you remember, that after Nicholas told Mr. Figueroe that you didn't want to be charged, it was Nicholas that told Mr. Figueroe that?

A When we sat down here and the best I can remember,

✓ 2 Mr. Figueroe said some words to us pertaining about some rights
3 and the rights that we understood. Then he said, "I under-
4 stand you are willing to cooperate," and words to that effect.
5 Mr. Nicholas cut him off completely and said, "No, there was
6 a deal made with Mr. Gallo," and so forth with us to
7 to do this and this and we would not be charged.

✓ 8 Mr. Figueroe looked at Mr. Gallo and he said, yes,
9 this is what I spoke to you about previous. He said, "Yes,
10 I remember the case," or words to that effect. Then and
11 only after then he said that is the deal and I stand by it.

12 The best way I can remember it I opened up and ✓
✓ 13 said to Nicholas and Mr. Gallo and Figueroe everybody in the
14 room, the deal stands and I will not be charged and we will
15 not be charged.

✓ 16 Nicholas said the deal stands. Mr. Figueroe^a said,
17 "Yes, it does, and you have my word on it."

18 Q Mr. Nicholas originally brought this up and Mr.
✓ 19 Figueroe^a said "You have my word you won't be prosecuted"?

20 A Yes. I brought it in after Mr. Nicholas brought
21 it up. I repeated the statement for myself.

22 Q Do you remember when Mr. Nicholas testified the
23 other day?

24 A Not everything, no.

25 Q Do you remember when he told the Court that he

2 didn't say anything directly to Mr. Figueroa about not being
3 prosecuted?

4 A I can't say I do remember that.

5 Q You are telling me that Mr. Nicholas did say
6 something?

7 A Yes. Mr. Nicholas brought up about the charge,
8 that we wouldn't be held to the charge. He brought that up
9 about the charge because he wanted to make it understood that
10 the deal was in and was being made with Mr. Gallo, who had
11 spoken, I assume, spoken to Mr. Figueroa earlier.

12 Q It was all very clear?

13 A It was clear on my understanding that I would not
14 be prosecuted or charged after the initial risk went down
15 on the individual.

16 Q Do you remember when Mr. Nicholas testified the
17 other day that he couldn't tell me exactly how Mr. Figueroa
18 acknowledged this deal but I should take his words for it
19 that he acknowledged it?

20 MR. WILEY: Objection.

21 THE COURT: If you want to ask him about that, you
22 ought to read the testimony.

23 Q I will read you some testimony, Mr. Brown, and
24 tell me if you remember it.

25 This is from Mr. Nicholas' testifying.

2 THE COURT: What page?

3 MR. HANDAL: Page 138, your Honor.

4 Q "Q You asked him if the case was going
5 to be dismissed; is that right?

6 "A No, I am not saying that I asked Mr. Figueroa
7 nothing like that directly. Everything was done through the
8 agents. The only thing that Mr. Figueroa did was acknowledge
9 it.

10 " Q How did he acknowledge it? What did he do?

11 "A He acknowledged it. That is the word I am using.

12 "Q What did he acknowledge?

13 "A He acknowledged that he understood that it was a
14 deal. I hate to use that kind of word.

15 "Q You said that he understood it was a deal.
16 What kind of deal?

17 "A In exchange for the plates or a large quantity
18 of plates no prosecution would be taken against me and my co-
19 defendant.

20 "Q Did Mr. Figueroa tell you that?

21 "A He acknowledged it.

22 "Q How?

23 "A He acknowledged it.

24 "Q I am asking you how he acknowledged it.

25 "A Number one, by releasing us on personal recogni-
zance bonds. We had a \$50,000 cash bond 24 hours before that.

nsjl 17

Brown-cross

1 "Q Did Mr. Figueroa ever say to you, 'Okay, Mr.
2 Nicholas, the deal'?

3 "A I just told you.

4 "Q Did he ever tell you that 'We won't prosecute
5 you for this offense'?

6 "A Not in them words, no."

7 MR. STIM: I object to that question. I don't
8 think it is proper. He is cross examining him on Q and A on
9 what another party had testified to.

10 THE COURT: Overruled.

11 Do you remember that testimony?

12 THE WITNESS: Yes, your Honor, I remember.
13 Nicholas is saying the same thing. Maybe he didn't trust the
14 Secret Service officer or Figueroa no more after what went
15 down.

16 Q That was the same meeting you were at?

17 A If it has to do with the four, Figueroa, myself,
18 Gallo and Nicholas in Mr. Figueroa's office.

19 Q Isn't it true that all Mr. Figueroa said to you
20 was that if you cooperated he would pass along the coopera-
21 tion to the sentencing judge?

22 A No. That is not true at all. Not at the very
23 first and not right then, definitely not, nor on any of our
24 lengthy conversations on the phone.
25

1 nsjl 18

Brown-cross

2 Q What about this meeting with Mr. Curley in
3 August of '74? At that meeting you told Mr. Curley and Mr.
4 Figueroa that you had never been told that you would have to
5 plead guilty to an indictment?

6 A I told Mr. Curley that I was pretty upset when
7 I found out that I was indicted. That happened after a
8 lengthy time after the arrest of the individual who they
9 wanted to get. Then and only then I found out that I got
10 indicted after being picked up and after coming to New York.
11 I spoke to Mr. Curley with Mr. Figueroa present. I was upset
12 and just got finished arguing with Mr. Figueroa about that
13 and he said, "Don't worry about it. It's just a formality."

14 I know what an indictment is because I have gone
15 through it. I said, "If that's the case, I want to retract
16 everything."

17 Q You heard Mr. Curley testify that you told Mr.
18 Curley and Mr. Figueroa that you were never told that you would
19 not have to plead guilty.

20 MR. WILEY: Objection. I don't think that is his
21 testimony.

22 A What?

23 Q Didn't you tell them at that meeting that you had
24 never been told that you would not have to plead guilty?

25 A I might have said that. I would not have to plead

2 at all because it was supposed to be squashed.

3 Q You knew that these bills were counterfeit, didn't
4 you?

5 MR. WILEY: Objection.

6 A No, I didn't know that.

7 Q You didn't know that they were counterfeit?

8 A At what time?

9 MR. WILEY: Objection.

10 THE COURT: Sustained.

11 Q You were convicted in 1968 of forging and uttering
12 is that right, and larceny?

13 MR. WILEY: That is not a proper form, your Honor.

14 THE COURT: You said in where?

15 MR. HANDAL: In 1968?

16 THE COURT: What were the last words?

17 MR. HANDAL: I said and larceny, your Honor.

18 THE COURT: Overruled.

19 A I know I was never convicted actually of forging
20 nothing. I pleaded to, I believe, what they call everything
21 combined and that was it. I never went and made an outright
22 plea.

23 THE COURT: Where was that?

24 THE WITNESS: Providence, Rhode Island, I believe
25 it was.

1 nsjl 20

Brown-redirect

2 REDIRECT EXAMINATION

3 BY MR. WILEY:

4 Q You were asked by Mr. Handal if at one point
5 Mr. Figueroa told you that everything would work out and every-
6 thing would be okay. What did you understand him to mean
7 by that?

8 A As soon as we kept out part of the bargain, he
9 would keep his and that would squash the whole thing and there
10 would be no further proceedings.

11 MR. STIM: I have no further questions.

12 MR. WILEY: I have one last witness.

13 (Continued on next page.)
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Before the Hon. Charles E. Stewart, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA : 79 Cr. 731
VS. : NOTICE OF MOTION
VINCENT BROWN, a/k/a Richard Glover, and : (Vincent Brown)
GEORGE NICHOLAS, a/k/a Jerome Richardson,
Defendants :
-----x

S I R S:

PLEASE TAKE NOTICE that upon the annexed affidavit of ALTON W. WILEY, ESQUIRE, sworn to the day of November, 1977, upon the indictment herein, upon the record of the suppression hearing held in this proceeding on divers dates in September of 1977 and upon all of the proceedings heretofore had herein, including the entry of the plea of "guilty" by the defendant, VINCENT BROWN, a motion shall be brought before this court on behalf of defendant, VINCENT BROWN, at a Trial Term thereof, to be held in Courtroom 1106 at the United States Courthouse for the Southern District of New York, Foley Square, New York, New York, on the 3rd day of November, 1977 at 12:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order asking that the defendant be allowed to withdraw his plea of "guilty" and to reinstate his plea to "not guilty", and reinstate this matter on the Trial Calendar.

VINCENT BROWN,
By his Attorney,

ALTON W. WILEY
25 South Angell Street
Providence, R.I. 02906
(401) 272-1000

TO: HON. ROBERT B. FISKE, JR.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, N.Y. 10007

Attn: A.U.S. Kenneth V. Handal
(212) 791-1986

EXHIBIT "A"

Before the Hon. Charles E. Stewart, Jr.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA : 73 Cr. 731
vs. : ATTORNEY'S AFFIDAVIT
VINCENT BROWN, a/k/a Richard Glover, and :
GEORGE NICHOLAS, a/k/a Jerome Richardson, :
Defendants :
-----x

STATE OF RHODE ISLAND)
COUNTY OF PROVIDENCE)

I, ALTON W. WILEY, an attorney admitted to practice before the United States District Court for the District of Rhode Island and the Circuit Court of Appeals for the First Circuit, upon oath being duly sworn depose and say:

1. That I am the attorney of record for VINCENT BROWN, a/k/a Richard Glover, who has on divers days during the month of September, 1977 been before this Honorable Court on matters pertaining to the above-entitled indictment.

2. That at the hearings on the motions to suppress, the same being denied by this Honorable Court, the defendant, VINCENT BROWN, a/k/a Richard Glover, pleaded guilty to the offense contained in the above-entitled indictment, and the matter was continued to October 21, 1977 at 12:00 o'clock in the forenoon for sentencing, and was subsequently continued to the 3rd day of November, 1977 at 12:30 o'clock in the forenoon for sentencing.

3. That the defendant, VINCENT BROWN, a/k/a Richard Glover, feels that he has a meritorious defense to the charge in the indictment.

4. That the defendant, VINCENT BROWN, a/k/a Richard Glover, feels that his counsel, to wit ALTON W. WILEY, was not given adequate time by this Honorable Court to prepare a proper defense for him in the trial of the case.

5. That the defendant, VINCENT BROWN, a/k/a Richard Glover, is of the opinion that counsel, ALTON W. WILEY, was not prepared to go forward with the trial of the case, inasmuch as the efforts were expended in getting the motion to suppress granted.

6. That due to the geographical distance involved, the attorney for the defendant, VINCENT BROWN, a/k/a Richard Glover, was unable to have at his disposal certain investigatory means and other assistance which would be necessary for him to adequately defend said case.

WHEREFORE, the defendant prays that he be allowed to withdraw his guilty plea, reinstate his plea as not guilty, and have the matter reinstated on the trial calendar.

VINCENT BROWN,

By his Attorney,

ALTON W. WILEY
25 South Angell Street
Providence, R.I. 02906
(401) 272-1000

Subscribed and sworn to before me this day of November, 1977.

NOTARY PUBLIC
State of Rhode Island

TO: HON. ROBERT B. FISKE, JR.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Attn: A.U.S. Kenneth V. Handal
(212) 791-1986

Before the Hon. Charles E. Stewart, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

: 73 Cr. 731

vs.

: NOTICE OF MOTION
TO DISQUALIFY

VINCENT BROWN, a/k/a Richard Glover, and:
GEORGE NICHOLAS, a/k/a Jerome Richardson,

Defendants :
-----X

S I R S:

PLEASE TAKE NOTICE that upon the annexed affidavit of ALTON W. WILEY, ESQUIRE, sworn to the day of November, 1977, upon the indictment herein, upon the record of the suppression hearing held in this proceeding on divers dates in September of 1977 and upon all of the proceedings heretofore had herein, including the entry of the plea of "guilty" by the defendant, VINCENT BROWN, a motion shall be brought before this court on behalf of said defendant at a Trial Term thereof, to be held in Courtroom 1106 at the United States Courthouse for the Southern District of New York, Foley Square, New York, New York, on the 3rd day of November, 1977 at 12:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order asking that the Honorable Charles E. Stewart, Jr. disqualify himself in connection with the Trial of this case.

VINCENT BROWN,

By his Attorney,

ALTON W. WILEY
25 South Angell Street
Providence, R.I. 02906
(401) 272-1000

TO: HON. ROBERT B. FISKE, JR.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Attn: A.U.S. Kenneth V. Handal
(212) 791-1986

Before the Hon. Charles E. Stewart, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA : 73 Cr. 731
vs. : ATTORNEY'S AFFIDAVIT
VINCENT BROWN, a/k/a Richard Glover, and :
GEORGE NICHOLAS, a/k/a Jerome Richardson, :
Defendants. :
-----x

STATE OF RHODE ISLAND)
:)
COUNTY OF PROVIDENCE)

I, ALTON W. WILEY, an attorney admitted to practice
before the United States District Court for the District of Rhode Island and the
Circuit Court of Appeals for the First Circuit, upon oath being duly sworn
depose and say:

1. That I am the attorney of record for VINCENT BROWN,
a/k/a Richard Glover, who has on divers dates during the month of September,
1977 been before this Honorable Court on matters pertaining to the above-
entitled indictment.

2. That on divers dates during September, 1977 a
hearing was held before the Hon. Charles E. Stewart, Jr. of this Honorable
Court, at which time certain rulings were made which were adverse to the
defendant, VINCENT BROWN.

3. That should the Hon. Judge Stewart preside over
the trial of this case, the defendant is of the opinion that the rulings
previously made would subconsciously affect his rulings on said case.

4. That the defendant, VINCENT BROWN, has entered a
plea of guilty on this case, and the defendant is of the opinion that this
plea of guilty would also subconsciously affect the rulings made by the
Hon. Charles E. Stewart, Jr. in connection with the trial of this case.

WHEREFORE, the defendant, VINCENT BROWN, prays that the
Honorable Charles E. Stewart, Jr. disqualify himself in connection with the
Trial of this case.

VINCENT BROWN,

By his Attorney,

ALTON W. WILEY
25 South Angell Street
Providence, Rhode Island 02906
(401) 272-1000

Subscribed and sworn to before me this day of
November, 1977.

NOTARY PUBLIC
[State of Rhode Island]

TO: HON. ROBERT B. FISKE, JR.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, New York, 10007

Attn: A.U.S. Kenneth V. Handal
(212) 791-1986

Before the Hon. Charles E. Stewart, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA

:

vs.

: 73 Cr. 731

NOTICE OF MOTION

VINCENT BROWN, a/k/a Richard Glover, and: TO ENLARGE TIME
GEORGE NICHOLAS, a/k/a Jerome Richardson,

Defendants.

-----x

/ S I R S:

PLEASE TAKE NOTICE that upon the annexed affidavit of ALTON W. WILEY, ESQUIRE, sworn to the day of November, 1977, upon the indictment herein, upon the record of the suppression hearing held in this proceeding on divers dates in September of 1977 and upon all of the proceedings heretofore had herein, including the entry of the plea of "guilty" by the defendant, VINCENT BROWN, a motion shall be brought before this court on behalf of said defendant at a Trial Term thereof, to be held in Courtroom 1106 at the United States Courthouse for the Southern District of New York, Foley Square, New York, New York, on the 3rd day of November, 1977 at 12:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order asking that the defendant's attorney, ALTON W. WILEY, be granted additional time to prepare an adequate defense.

VINCENT BROWN,
By his Attorney,

ALTON W. WILEY
25 South Angell Street
Providence, Rhode Island 02906
(401) 272-1000

TO: HON. ROBERT B. FISKE, JR.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Attn: A.U.S. Kenneth V. Handal
(212) 791-1986

Before Hon. Charles E. Stewart, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

: 73 Cr. 731

vs.

: ATTORNEY'S AFFIDAVIT

VINCENT BROWN, a/k/a Richard Glover, and:
GEORGE NICHOLAS, a/k/a Jerome Richardson,

Defendants.
-----x

STATE OF RHODE ISLAND)
:
COUNTY OF PROVIDENCE)

I, ALTON W. WILEY, an attorney admitted to practice before the United States District Court for the District of Rhode Island, and the Circuit Court of Appeals for the First Circuit, upon oath being duly sworn depose and say:

1. That I am the attorney of record for the defendant, VINCENT BROWN, who has on divers dates during the month of September, 1977 been before this Honorable Court on matters pertaining to the above-entitled indictment.

2. That said defendant's attorney requires additional time to prepare an adequate defense.

WHEREFORE, defendant, by his attorney, prays this Honorable Court that he be granted additional time to prepare such adequate defense.

VINCENT BROWN,
By his Attorney,

ALTON W. WILEY
25 South Angell Street
Providence, Rhode Island 02906
(401) 272-1000

Subscribed and sworn to before me this day of November,
1977.

NOTARY PUBLIC
State of Rhode Island

TO: HON. ROBERT B. FISKE, JR.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Attn: A.U.S. Kenneth V. Handal
(212) 791-1986

BAIL RE.

UNITED STATES DISTRICT COURT

Removal Hearing

District of _____

United States of America

Commissioner's Docket No. _____

V.

Case No. _____

VINCENT BROWN

Defendant

ORDER SPECIFYING METHODS AND
CONDITIONS OF RELEASEPart I.—Preferred Methods of Release

It is hereby ORDERED that the above-named defendant be released, provided

Personal
RecognizanceCheck one(☒) that he promises to appear at all scheduled hearings as required.Unsecured Bond(☒) that he will execute a bond binding himself to pay the United States the sum of _____ dollars (\$5,000) in the event that he fails to appear as required.

[NOTE: The judicial officer is required to release the defendant by one of the above methods unless he determines that such a release will not reasonably assure the appearance of the defendant as required. In the event such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first condition of release listed below which will reasonably assure the appearance of the person for trial. If no single condition gives that assurance, any combination of conditions may be used.]

Part II.—Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant, it is hereby FURTHER ORDERED that the defendant be released on the condition(s) checked below:

Third Party
Custody(☒) (1) The defendant is placed in the custody of
(Name of person or organization) ALTON WILEY EDA
(Address) _____
(City and State) _____ Tel. No. _____

who agrees (a) to supervise the defendant in accordance with conditions 2 and 5 as checked below, (b) to use every effort to assure the appearance of the defendant at all scheduled hearings before the United States Commissioner or Court, and (c) to notify the Commissioner or Court immediately in the event the defendant violates any condition of his release or disappears.

Signed: [Signature]
Custodian or ProxyRestrictions on
Travel, Association or Place
of Abode

() (2) The defendant will comply with each of the following conditions:

SHALL NOT DEPART THE STATE OF N.Y.
SHALL PERSONALLY CONTACT BY PHONE DAILY
THE U.S. MARSHAL

10% Deposit() (3) The defendant will execute a bond binding himself to pay to the United States the sum of _____ dollars (\$) and will deposit in the registry of the court the sum of _____ dollars (\$), in _____, being not more than 10%
(cash or security)

of the amount of the bond, such deposit to be returned upon the court's determination that the defendant has performed the conditions of his release.

Cash or Surety
Bond

() (4) The defendant will execute a bond in the amount of _____ dollars (\$) either secured by the undertakings of sufficient solvent sureties or by the deposit of an equal amount of cash or other security in lieu thereof.

EXHIBIT B

Part-time Release

() (5) (a) The defendant will be released from _____ a.m. to _____ a.m. on _____ (Specify days of week) on condition that he return to custody at the specified time at such place of confinement as the United States Marshal shall designate.

Other Conditions

() (5) (b) The defendant agrees that he will comply with the following other conditions of release: _____

[NOTE: A defendant for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them.]

Part III.—Appearance and Penalties

Appearance

It is hereby FURTHER ORDERED that the defendant shall appear next at Courtroom 412, Federal Bldg. Providence 11:00 AM 3 months 1976 at and Time and at such other places and times as the United States Magistrate or Court may order or direct.

Penalties

If the defendant violates any condition of his release, a warrant for his arrest will issue immediately. After arrest, the terms and conditions of any further release will be redetermined.

If the defendant fails to appear before any court or judicial officer as required, an additional criminal case may be instituted against him. If the failure to appear is in connection with a charge of felony, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if he fails to appear after being released on a misdemeanor charge, the penalty is a fine of not more than the maximum provided for the misdemeanor or imprisonment for not more than one year, or both.

Part IV.—Acknowledgment by Defendant

Acknowledgment

I VINCENT BROWN Defendant understand the methods and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the Magistrate or Court promptly in the event I change the address indicated below.

Vincent Brown Defendant
718 Howell St. Address
Providence, RI 02901 City and State 521-4771 Tel. No.

RELEASE ORDERED:

Date: 25 Feb 1976

J. Long
United States Magistrate
or
United States District Judge

EXHIBIT C

ADDRESS ONLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

MSD:cf

United States Department of Justice

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE Annex

PO BOX 90000

NEW YORK, N. Y. 10007

One St. Andrew's Plaza

March 4, 1976

Robert L. Gammell, Esq.
Assistant United States Attorney
United States Courthouse
Providence, Rhode Island 02903

Re: United States v. Vincent Brown
73 Cr. 731

Dear Mr. Gammell:

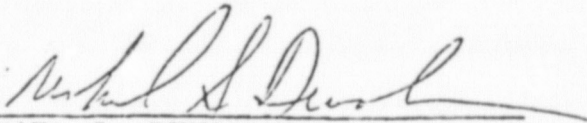
This is to advise that this office would consent to Mr. Brown pleading guilty in your district under Rule 20 proceedings. As with all cases in our district, no recommendation of sentence should be made by the government. However, we will make known to the sentencing judge the full extent of Mr. Brown's cooperation with the government. If these conditions are satisfactory and Mr. Brown wishes to plead guilty, please initiate the necessary Rule 20 papers.

Thank you very much for your attention to this matter.

Very truly yours,

ROBERT F. FISKE, JR.
United States Attorney

By:


MICHAEL S. DEVORKIN

Assistant United States Attorney
Telephone: (212) 791-1926

EXHIBIT D

